

Application Number: 10/511,807

Attorney Docket: NL021156

**REMARKS**

An Office Action was mailed on February 22, 2008. Claims 1-7, 9, 10 and 12-14 are pending. Claims 8, 11 and 15 has been canceled without prejudice.

Claims 11-12 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 11 has been cancelled. Accordingly the rejections are moot. Claim 12 stands rejected under 35 U.S.C. §112. Amended claim 12 recites data being stored on a computer-readable storage medium, which data imparts function to a computing device. Accordingly, it is respectfully submitted that the claim is allowable subject matter under 35 USC §101.

Claims 1-7, 9-11 and 13-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Baumagarte et al. (U.S. 2003/0003553). Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Baumagarte in view of Davis et al. (WO 99/04498).

Applicants greatly appreciate the Examiner's indication that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants submit that independent claims 1, 9 and 12 have been amended to include the limitations of claim 8. Accordingly, applicants submit that independent claim 1, 9 and 12 are allowable.

Application Number: 10/511,807

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Independent claim 13 has been amended to recite the limitations of “generating a multi-channel output signal from the monaural signal and the spatial parameters, the set of spatial parameters including a parameter representing a measure of similarity of waveforms of the multi-channel output signal, wherein the measure of similarity corresponds to a value of a cross-correlation function at a maximum of said cross-correlation function of the multi-channel output signal.” Independent claim 14 recites similar limitations. No new matter has been added.

Applicant respectfully submits that the cited Baumagarte fails to teach or suggest “the set of spatial parameters including a parameter representing a measure of similarity of waveforms of the multi-channel output signal, wherein the measure of similarity corresponds to a value of a cross-correlation function at a maximum of said cross-correlation function of the multi-channel output signal.” as claimed in amended claim 13.

Since Baumagarte does not teach all of the limitations of independent claims 13-14, it can not anticipate the present invention. For at least the above cited reasons, Applicant submits that Claims 13-14 are patentable over Baumagarte.

With regard to claims 2-7 and 10 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-7 and 10 are also allowable by virtue of its dependence from an allowable base claim.

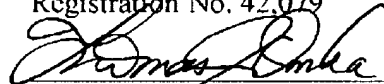
Application Number: 10/511,807

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Claim 10 stands rejected 35 U.S.C 101 as it is alleged to be directed to non-statutory matter. Amended claim 10 recites data being stored on a computer-readable storage medium, which data imparts function to a computing device. Accordingly, it is respectfully submitted that the claim is allowable subject matter under 35 USC §101.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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